

# STATE OF NEW YORK

8109--A

## IN SENATE

March 29, 2018

Introduced by Sens. HELMING, AVELLA, HAMILTON, O'MARA, ROBACH, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to create a prohibition against alternative waste to energy facilities that apply for approvals but that do not demonstrate a compelling public purpose and that would have a significant and adverse environmental impact that cannot be mitigated

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Notwithstanding any law, rule or regulation to the contra-  
2 ry, no major electric generating facility which generates electricity  
3 from the combustion, gasification or pyrolysis of solid waste or from  
4 fuel derived from solid waste can be issued a certificate of compatibil-  
5 ity and public need or receive a negative declaration under the New York  
6 State Environmental Quality Review Act process if any of the following  
7 criteria exist or are met:
- 8 a. It poses a risk to the public health and safety of a community  
9 within an environmentally sensitive area of the state; and
  - 10 b. It is within 10 miles of a priority waterbody as designated by the  
11 state:
    - 12 (i) as a critical source of drinking water and tourism driver; and
    - 13 (ii) as having vulnerabilities to Harmful Algal Blooms; and
  - 14 c. Is within a thriving agriculture-tourism region in the state serv-  
15 ing as an economic engine with over one billion dollars (\$1,000,000,000)  
16 of investment in the region and has created over 25,000 jobs; and
  - 17 d. There are existing state approved landfills or other solid waste  
18 management facilities operating within a 50 mile radius of the proposed  
19 site; and
  - 20 e. There is a significant impact to the access roads surrounding the  
21 proposed site created by the additional traffic and transportation of  
22 materials associated with the proposed project as determined by munici-  
23 pal department of public works; and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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- 1 f. It does not demonstrate a compelling public purpose; and
- 2 g. The project can be located on an alternative site that does not
- 3 pose an environmental or economic threat to the region.
- 4 § 2. This act shall take effect immediately and shall be deemed to
- 5 have been in full force and effect on and after February 1, 2018.